THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 13557 of 2007

DATED: 28.06.2007

Between:
M/s.Vijaya College of Pharmacy.

... PETITIONER

AND

The Motor Vehicle Inspector.

... RESPONDENT

ORDER:

The vehicle of the petitioner bearing registration No.AP-24-U 2829 was seized, through the Vehicle Check Report, dated 25.06.2007, on the ground that the vehicle carried the students and teachers belonging to another institute. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 25.06.2007, discloses that the vehicle carried the students and teachers belonging to another institute. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) the vehicle of the petitioner bearing registration No.AP-24-U 2829 shall be released to it, on its depositing a sum of Rs.5,000/-

(Rupees Five Thousand Only) and on payment of tax due, if any; and

b) the petitioner shall also furnish an undertaking to the effect that it shall not alienate the vehicle till the proceedings in pursuance of the impugned order are finalized and that it shall produce the vehicle as and when required.

There shall be no order as to costs.

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28.06.2007

Note: Issue cc tomorrow.
(B/o)
Kdl